

Ethical Update – March 2024

Helping to promote high standards of conduct

Welcome to the March 2024 issue of Manchester City Council's Ethical Governance Update

This newsletter contains details of the following:

- Bristol Council to review its member complaint procedure
- Warning over local government standards and abuse of those in public life
- Complaints made regarding councillors' comments about SEND
- Cyber Phishing threat
- Reminder: Gifts and Hospitality
- Reminder: Register of Interests
- Reminder: Dispensations

To save paper this newsletter is distributed via e-mail, if you would like a hard copy or want further information about any of the issues raised, please contact the Democratic Legal Services team.

Bristol Council to review its members complaint procedure

Bristol City Council has confirmed that it will review its member complaints procedure after facing questions about how the Council had not upheld a single complaint against a councillor since 2017. The Council disclosed the information as part of a response to a Freedom of Information request and subsequently five local residents wrote a joint letter to the Council's Ethics and Values Committee to complain that the lack of successful complaints suggested a "systematic failure of the Member Code of Conduct Complaints Process."

The letter also stated that the role of Monitoring Officer "allows too much power to be vested in one individual's judgement, with no informed transparency or opportunity for scrutiny of their decisions...this makes for a closed system, which allows for complaints to be too easily dismissed and in effect facilitates bad behaviour."

According to the BBC, the Council's Monitoring Officer confirmed that the member complaints process had been followed correctly which includes consulting with an external Independent Person when a complaint is received about members, however the Council's Ethics and Values Committee expressed concerns that the current process left them unable to scrutinise decisions. A member noted that assurance was needed that the system was working. It was agreed as part of the review, the working group would look at improving transparency to the public without disclosing

confidential information.

It may be helpful to remind members that Manchester City Council's member complaints procedure consists of an initial assessment in which the Monitoring Officer, in consultation with the Independent Person, may reject the complaint in accordance with the complaints procedure; to attempt to resolve the complaint informally; refer the complaint for independent investigation; or refer the matter for a hearing. Not all complaints will go through all stages and it is only where a complaint progresses to the final hearing stage that any formal finding of breach of the Code of Conduct for Members can be made. A complainant may also complain to the Local Government and Social Care Ombudsman if they are not satisfied with the process for dealing with a member complaint.

[Councillor complaints procedure at Bristol City Council to be reviewed - BBC News](#)

Warning over local government standards and abuse of those in public life

The outgoing chair of the Committee on Standards in Public Life has stated that there is still "a major problem on standards" within local government and that "members of the public still have no redress when there are standards failures at a local level." The comments made by Lord Evans of Weardale included that:

- The Nolan Principles of honesty, objectivity, openness, selflessness, integrity, accountability and leadership have stood the test of time and that they apply to everybody involved in the delivery of public service "whether it's individual public office holders, institutions, or private companies". However "they are not enough on their own. They need to be understood through Codes of Conduct applicable to specific contexts, and they need to be debated, discussed and made real in specific organisational settings".
- The government system for ensuring compliance with standards is "very weak and needs overhaul".
- "Alongside proper transparency and accountability is the need to develop a culture where people are comfortable discussing the ethical dimension of their work and the standards of conduct expected in their organisation".
- It is important that there are consequences if standards are not adhered to; "we need to look not just at outcomes but how they are achieved - the how is often as important as the what."

Lord Evans suggested that the most serious problem is around the abuse and intimidation of those in public life. He said that it was "completely unacceptable that individuals and, in many cases, their families, should be subject to threats and abuse for doing their job....we have complex problems to solve as a society. We need to be able to debate and disagree with each other. If intimidation and threats cause talented people to feel they have to leave public life (and that is happening) or deter

good people from considering playing their part by standing as a councillor or a local MP, or applying for a public appointment, we [all lose].

A transcript of the speech can be found here:

https://assets.publishing.service.gov.uk/media/652fc239d06662000d1b7c63/2023-10-17_Lord_Evans_IfG_speech.pdf

Complaints made over councillors comments about children with SEND

Three Warwickshire councillors have apologised after making offensive comments about children with special educational needs and disability (SEND) during a meeting of the council's Children and Young People Overview and Scrutiny Committee on 25 January 2024.

The comments from the councillors included "Why are there so many people now jumping out with these needs? Where were they in the past when I was at school?" and queried whether some SEND children 'were just really badly behaved' and 'needed a form of strict correction', and that "What comes down to parenting and what comes down to SEND issues – how do we identify that and what pathways do we put people on that perhaps don't have an SEND need but do have parenting skill shortages?"

All three councillors have issued apologies for their choice of language:

"I regret any offence caused by my choice of words. It was never my intention to offend, and I regret the words I used to make a point about demand and need in the SEND area";

"I apologise unreservedly for the comments which I made at the recent Scrutiny Committee. I regret my clumsiness and lack of care in choosing my words and can see the upset and offence caused. I am terribly sorry and will be more thoughtful with my questions and words in the future. I can see that I have some learning to do."

"I accept that the words I used at the meeting were open to interpretation... it was never my intention to offend. I apologise for any offence caused.

In a statement, Warwickshire County Council said:

"It is clear that these comments have caused significant offence, distress and upset to children and their families within the Special Educational Needs and Disabilities (SEND) community. The Council takes that very seriously. The Council wishes to emphasise that the comments made are not representative of the views of the wider council body including those councillors and officers who work so hard to provide support and opportunities for children with SEND. The Council has built strong

relationships with groups within the SEND community, and we are conscious of the damage this situation may cause to those relationships.”

That Council’s Monitoring Officer has launched an investigation into the matter.

<https://www.itv.com/news/central/2024-02-07/anger-as-councillor-says-some-children-with-send-are-just-badly-behaved>

Cyber phishing threat – message from the Council’s Cyber Team

The threat of phishing attacks continues to escalate, and the Council’s Cyber team continue to record a rise in volume of phishing emails received into Council email mailboxes. Cybercriminals are employing increasingly sophisticated techniques to influence and entice recipients to open and provide sensitive information (e.g. logon credentials). Here are some key trends and insights:

AI in Phishing Scams:

Cybercriminals are leveraging artificial intelligence (AI) to craft persuasive emails. Large language models (LLMs) analyse vast data from thousands of devices, allowing for highly personalized and realistic-sounding phishing messages. These AI-generated emails often bypass traditional security measures, making them challenging to identify.

Cloud Services Exploitation:

Phishing attacks increasingly target cloud storage services. (such as SharePoint, Dropbox etc...)

Cybercriminals create deceptive emails that mimic legitimate communications from cloud service providers.

Users may unwittingly enter their login credentials on fraudulent websites, granting attackers access to sensitive data stored in the cloud.

Mobile Devices as Targets:

Phishing attacks are now targeting mobile users due to the widespread use of smartphones and tablets.

Initially focused on SMS-based schemes, these attacks have evolved to exploit messaging apps, social media, and fake mobile applications.

Lack of robust security measures on personal mobile devices can leave users vulnerable to advanced phishing techniques.

Personal Accounts and Devices:

As Council security defences improve, Cybercriminals are starting to target personal accounts and devices as the applied security standards are typically weaker when outside the control of an organisation. Social Media (Facebook, LinkedIn etc..) are common platforms used to target users by accessing sensitive personal information which can be utilised to link work and personal accounts.

In 2022, there was a 47.2% increase in phishing attacks compared to the previous

year.

Please remember to stay vigilant, complete your Cyber awareness training (if you haven't already) and don't forget to verify the authenticity of emails before opening them. We must adopt robust security practices to protect against evolving cyber threats. For more information, please contact the ICT Cyber Team.

Gifts and Hospitality

Members are reminded that the Council's Code of Conduct for Members requires members to register any gifts and hospitality they or their partner has received in connection with their appointment as an elected member with an estimated value of at least £100.

Notifications of gifts and hospitality should be sent to the Monitoring Officer. A form for this purpose is available from the Governance and Scrutiny Support Unit who administer the register on behalf of the Monitoring Officer.

Guidance about gifts and hospitality can be found in Part 6 Section D of the Council's Constitution. If a member is unsure about whether a gift or hospitality that they or their partner has received should be registered, please contact the Democratic Service Legal Team via demserv@manchester.gov.uk.

Register of Interests- keeping it up to date

Members ordinarily complete their register within the 28-day period of being elected.

However, members are reminded that this is a live document and therefore needs to be reviewed regularly to ensure it is up to date. Failure to keep your register of interests up to date could lead to a complaint being received that it is not accurate and also misleading.

If any member is unsure if something should be registered, then please contact the Democratic Services Legal Team via DemServ@manchester.gov.uk.

To update your register please contact the Governance and Scrutiny Support team.

Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to vote on a matter in which you have a Disclosable Pecuniary Interest or a prejudicial interest.

The main reason why a dispensation may be granted is where so many members have an interest in a matter that it would not be possible for the business in question to go ahead. This is particularly relevant at the Council budget setting meeting as many members are council taxpayers or are council tenants, etc.

If you want a dispensation you will need to make an application to the Monitoring Officer in good time before the meeting.

If any member is unsure if they should need to apply for a dispensation, then please contact the Democratic Services Legal Team via DemServ@manchester.gov.uk.